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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,783	04/15/2004	Brian E. Anderson	22700-RA	6660
30184	7590	08/31/2007		
MYERS & KAPLAN INTELLECTUAL PROPERTY LAW, L.L.C. CUMBERLAND CENTER II 3100 CUMBERLAND BLVD, SUITE 1400 ATLANTA, GA 30339			EXAMINER SMITH, MATTHEW J	
			ART UNIT 3637	PAPER NUMBER
			MAIL DATE 08/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/824,783	Applicant(s) ANDERSON, BRIAN E.	
	Examiner Matthew J. Smith	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-7, and 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Lopez et al. (5167043).

Lopez et al disclose, in Fig. 6, a device comprising: a cylindrically-shaped weighted mass support body 12" carrying a handle 16"; an elongated member 14; means 82 for attaching the member to the support body; means 92, 120 for removably securing the member to a work-piece; the body having a material of high strength selected from the group consisting of iron and steel ("metal", col. 5, lines 53-54); four handles 16" in pairs and diametrically opposed on the body; and a base plate 108 on the body second end.

The reference also discloses (col. 6, lines 50-68) a method of pulling a bar set away from a supporting frame comprising the steps of: obtaining an elongated mass member 12"; attaching at least one elongated securing member to the mass member; removably securing the securing member around a bar; moving the mass member away from the bar; allowing the member to transfer force; and moving the generally elongated mass member towards a door then battering the door (col. 6, line 30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lopez et al.

Lopez et al. disclose the invention substantially as claimed but not the elongated member being approximately eight feet in length.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to fabricate the Lopez et al. member in a dimension that would not compromise the function.

Claims 2, 8, 10, 11, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopez et al. in view of Kouba (2241207)

Lopez et al. disclose the invention substantially as claimed but not a chain fastened by a nut and bolt through the mass or reinforced wire.

Kouba presents a cylindrical weighted mass 10; an elongated member 13; a bolt 12 and nut secured to the bolt; and the bolt attached to the mass.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to secure a bar-contacting chain with a nut and bolt arrangement, as presented by Kouba, in order to secure the bar contacting structure.

It would have been further obvious to place the bolt through the Lopez et al. bore 92 since Lopez et al. suggest this bore is used for structure to contact bars.

It would also have been obvious to use reinforced wire instead of a chain since this structure is functionally equivalent.

Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopez in view of Alexander (7174995)

Lopez et al. disclose the invention substantially as claimed but not removably securing the elongated member to a work-piece with a carabiner 120.

Alexander shows using a carabiner to secure an elongated member 104 to a workpiece 106.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use a carabiner to secure a chain, as shown by Alexander, in order to hold the elongated member in place.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lopez in view of Alexander as applied to claim 12 above, and further in view of Hatch, III.

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The combination discloses work piece removing device using a carabiner but not a clevis.

Hatch, III depicts removably securing an elongated member to a work-piece with a clevis 22.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use a clevis to secure a chain, as shown by Hatch, III, in order to hold the elongated member in place.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Smith whose telephone number is 571-272-7034. The examiner can normally be reached on T-F, 8-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lanna Mai
Supervisory Patent Examiner
Art Unit 3637



MJS *MJS*
21 August 2007